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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1803 OF 2006
IN
SUIT NO.2110 OF 2004

Ramila Rajnikant Kilachand).. Plaintiff

Versus

Harsh Rajnikant Kilachand and others).. Defendants

Ms.Suja T.C. i/b.Dunmorr Sett for the Plaintiff.

Mr.Gautam Patel i/b.Maneksha & Sethana for Defendant Nos.1 to 4, 78, 79, 80, 83 and 85.

Mr.S.V. Mehta i/b.Malvi Ranchhoddas & Co. for Defendant Nos.23 to 29, 100 and 107.

Ms.Samindra Surve i/b.Little & Co. for Defendant Nos.45 to 47 and 108.

Ms.R.Savliwala i/b.Dhruve Liladhar & Co. for Defendant Nos.49 to 55.

Mr.Naval Agarwal i/b.Amarchand Mangaldas & S.A. Shorff for Defendant No.68.

Ms.A.B. Kapadia i/b.Daftary Feriara & Diwan for Defendant Nos.81 and 99.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 13TH JULY 2006

P.C.:

. By this Motion, Defendant Nos.23 to 29, 100 and 107 have complained that they are not being given inspection of certain documents although the Court had directed the Plaintiff to do so by the order of 7th June 2005. A grievance is made that despite the efforts made

by the Defendants, the Plaintiff has not given complete inspection of all the documents referred and relied upon by her.

2. In reply to the Motion, the Plaintiff in her affidavit has annexed a list of documents at Exhibit 1 indicating the documents of which inspection has not been given for various reasons. This exhibit mentions the documents, the objection of the Applicants in the Motion, the clarification of the Plaintiff qua each of these documents. Three broad categories of documents appear in this list. (i) Documents, the originals of which are not with the Plaintiff. (ii) Documents which are with Bilawala & Co., the erstwhile Solicitors of the Plaintiff. (iii) Documents which have been referred to in various other proceedings which have already been disposed of by this Court or are still pending. According to the Applicant, paragraph 22 of the Plaint mentions two letters, whereas inspection of only one letter was given. The Plaintiff contends that these letters are at Exhibit "X" and Exhibit "Y" to the Plaint.

3. After hearing the parties, in my view, the following order is passed :-

(i) The Plaintiff's Advocate will arrange to give inspection of the documents which have been referred to and relied upon in other proceedings in this Court on 4th August 2006.

(ii) The Plaintiff will arrange to give inspection of those documents which are with Billawala & Co. on 11th August 2006.

(iii) As regards those documents which the Plaintiff contends that the originals are misplaced, the Plaintiff shall inform the Applicant as to whether they were misplaced prior to or after the filing of the present Suit.

(iv) Plaintiff to file an affidavit indicating whether the documents at Exhibit X and Exhibit Y are the same documents within one week from today. If they are different documents, inspection of both these documents be given to the Applicant on 28th July 2006.

4. Notice of Motion disposed off accordingly.